

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

WARREN EASTERLING,	:	
Plaintiff,	:	
v.	:	Case No. 3:14-cv-314
BARBARA GORMAN,	:	JUDGE WALTER H. RICE
Defendant.	:	

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #23);  
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #24);  
OVERRULING PLAINTIFF'S "MOTION FOR RELIEF OF JUDGMENT  
(RULE 60B)" (DOC. #20); CASE TO REMAIN TERMINATED

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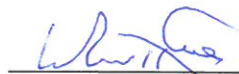
Based on the reasoning and citations of authority set forth by Chief United States Magistrate Judge Sharon L. Ovington in her October 9, 2015, Report and Recommendations, Doc. #23, as well as on a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety.

Plaintiff's Objections thereto, Doc. #24, are OVERRULED. Contrary to Plaintiff's argument, a dismissal under 28 U.S.C. § 1915(e) *does* constitute an "adjudication on the merits for purposes of res judicata." *Burton v. Cleveland Empowerment Zone*, 102 F. App'x 461, 463 (6th Cir. 2004). Moreover, as the Court has explained to Plaintiff on several occasions, even though 28 U.S.C.

§ 1331 grants the district court jurisdiction over cases involving questions arising under federal law, there are times when the district court must abstain from exercising that jurisdiction. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 291 (2005) (noting that the *Rooker-Feldman* doctrine “precludes a United States district court from exercising subject-matter jurisdiction in an action it would otherwise be empowered to adjudicate under a congressional grant of authority, *e.g.*, § 1330 (suits against foreign states), § 1331 (federal questions, and § 1332 (diversity.”).

The Court therefore OVERRULES Plaintiff’s “Motion for Relief of Judgment (Rule 60B),” Doc. #20. The above-captioned case shall remain terminated on the docket of this Court.

Date: October 22, 2015



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE